

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

J.E.S., by *guardian ad litem*, KATRINA M.
MARTINEZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 1:21-cv-000784-NONE-SAB

ORDER DIRECTING CLERK OF COURT
TO ASSIGN DISTRICT JUDGE AND
DISMISSING ACTION DUE TO
PLAINTIFF'S FAILURE TO COMPLY
WITH A COURT ORDER AND FAILURE
TO PAY FILING FEE

(Doc. No. 7)

Plaintiff J.E.S., by his *guardian ad litem* Katrina M. Martinez, filed a complaint in this action on May 14, 2021, challenging a final decision of the Commissioner of Social Security denying disability benefits. (Doc. No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff did not pay the filing fee in this action and instead filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Doc. No. 2.) On May 17, 2021, an order issued finding that plaintiff's application to proceed *in forma pauperis* did not demonstrate entitlement to proceed in this action without prepayment of fees. (Doc. No. 5.) Plaintiff was ordered to either file a long form application to proceed without prepayment of fees or pay the filing fee within twenty days. (*Id.*) Plaintiff, who is represented by counsel, did not file a long

1 form application to proceed without prepayment of fees, pay the filing fee, or otherwise respond
2 to the May 17, 2021 order.

3 On June 22, 2021, the magistrate judge filed findings and recommendations
4 recommending that plaintiff's application to proceed *in forma pauperis* be denied. (Doc. No. 6.)
5 The findings and recommendations were served on plaintiff and contained notice that any
6 objections thereto were to be filed within fourteen days from the date of service. (*Id.* at 3.) No
7 objections were filed.

8 On July 13, 2021, the findings and recommendations were adopted and plaintiff's
9 application to proceed *in forma pauperis* was denied. (Doc No. 7.) Plaintiff was granted
10 fourteen days to pay the filing fee in this action. (*Id.*) Plaintiff was also warned that if they
11 failed to comply with the order, the action would be dismissed. (*Id.* at 3.) Plaintiff did not pay
12 the filing fee or otherwise communicate with the court within the allotted fourteen days.

13 Accordingly,

- 14 1. This action is dismissed, without prejudice, due to plaintiff's failure to obey a
15 court order, and failure to pay the filing fee; and
16 2. The Clerk of the Court is directed to assign a district judge to this case for the
17 purpose of closing the case and then to close this case.

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19 IT IS SO ORDERED.

20 Dated: August 17, 2021

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23 UNITED STATES DISTRICT JUDGE
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